

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,

Plaintiff,

vs.

DEBBIE MANJUANO, et al.,

Defendants.

1:06-cv-01096-AWI-GSA-PC

ORDER DENYING MOTION FOR STAY,
DENYING REQUEST FOR CLARIFICATION,
AND GRANTING MOTION FOR EXTENSION
OF TIME
(Doc. 217.)

30-DAY DEADLINE FOR PLAINTIFF TO
FILE AMENDED OPPOSITION TO
DEFENDANT MANDUJANO'S MOTION
FOR SUMMARY JUDGMENT

_____ /

I. BACKGROUND

Plaintiff is a former prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 5, 2012, Plaintiff filed a motion to stay this action, or in the alternative, for an extension of time to file an opposition to defendant Mandujano's motion for summary judgment. (Doc. 217.) Plaintiff also requests clarification from the Court. Id.

II. MOTION FOR STAY

Plaintiff requests a stay of this action pending resolution of his appeal of the Court's order denying his motion for entry of default against defendant Mandujano. The appeal to which Plaintiff refers, filed on September 6, 2012, was resolved by the Ninth Circuit's order of September 18, 2012, which dismissed the appeal for lack of jurisdiction. (Doc. 207.) Therefore, Plaintiff's request for stay shall be denied.

1 **III. MOTION FOR EXTENSION OF TIME**

2 In the alternative, Plaintiff requests an extension of time to file an opposition to defendant
3 Mandujano’s motion for summary judgment of August 8, 2011. Plaintiff seeks an extension of
4 time because he has been paroled and only recently re-gained access to his personal property. On
5 August 23, 2012, the Court granted Plaintiff leave to file an amended opposition to defendant
6 Mandujano’s motion for summary judgment, within thirty days. (Doc. 206.) Plaintiff has shown
7 good cause for another extension of this deadline.

8 **IV. REQUEST FOR CLARIFICATION**

9 Plaintiff also requests the Court to “correct and clarify the defendant’s [*sic*] Debbie
10 Mandujano’s motion.” (Motion, Doc. 217 at 2:23-24.) Plaintiff has not explained what
11 correction and clarification he seeks. Therefore, this request shall be denied.

12 **V. CONCLUSION**

13 Based on the foregoing, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff’s motion for stay is DENIED;
15 2. Plaintiff’s motion for extension of time is GRANTED;
16 3. Plaintiff’s request for clarification and correction is DENIED; and
17 4. Plaintiff is granted thirty (30) days from the date of service of this order in which
18 to file an amended opposition to defendant Mandujano’s motion for summary
19 judgment of August 8, 2011, pursuant to the Court’s order of August 23, 2012.
20

21 IT IS SO ORDERED.

22 **Dated: November 8, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE